



Docket No.: M4065.0986/P986
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Chandra Mouli

Application No.: 10/781,706

Confirmation No.: 4202

Filed: February 20, 2004

Art Unit: 2811

For: REDUCED CROSSTALK SENSOR AND
METHOD OF FORMATION

Examiner: O. Nadav

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed December 1, 2005 (Paper No. 1), Applicant hereby provisionally elects Embodiment (species) 1, upon which claims 1-3, 6-11, 14-16, 20, 22-24, and 26-34 read, for continued examination. This election is made with traverse. Applicant notes that election between Embodiments (species) 1-4 is improper. Claims 4, 5, 12, 13, 17-19, 21, 23-25, 35 and 36, which read on Species 2-4 are all dependent claims off claims of elected Species 1 and are thus part of the invention defined by the Species 1 claims.

In addition, the broad claims of Species 1, e.g., claims 1, 14 and 26, define subject matter which is also included in claims 4, 5, 12, 13, 17-19, 21, 23-25, 35 and 36, respectively, such that examination of the claims of Species 1 will necessarily include a

search and examination of subject matter included in the Species 2-4 claims. Hence, no undue burden would be involved in examining the claims of Species 1-4 together.

M.P.E.P. § 803 states that “if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.” M.P.E.P. § 803 should apply in this case. The search of the elected claims (Species 1) will require searching in areas also pertinent to the subject matter of the non-elected species claims (Species 2-4). Thus, Group I claims of the application can be examined together “without serious burden.” Applicants, therefore, respectfully request that the non-elected claims of Species 2-4 be examined together with the elected claims.

Moreover, claim 1 is generic to all species of elected Group I. Claim 1 recites an image sensor comprising “a substrate formed over a base layer; a plurality of pixel cells formed within said substrate, each pixel cell comprising a photo-conversion device; and a plurality of trenches, each trench being provided along a perimeter of a respective pixel cell, each trench extending to a surface of the base layer, each trench having sidewalls, and being at least partially filled with a material that prevents at least a portion of electrons from passing through said trench.”

M.P.E.P. § 806.04(d) states that, in an application illustrating several species, “a generic claim should include no material element additional to those recited in the species claims, and . . . the claims to the species which can be included in a case in addition to a single species must contain all the limitations of the generic claim.” A generic claim is also evident if the species read on each of the figures. (M.P.E.P. § 804(d)). Claim 1 broadly covers all limitations present in the species claims and does not contain any material elements additional to those recited in the independent species claims. As such, it is generic to all non-elected claims.

Upon the allowance of a generic claim, Applicants should be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. § 1.141. Accordingly, if claim 1 is found allowable, all claims of the present invention should be considered in this application.

Dated: December 29, 2005

Respectfully submitted,

By 

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